

## PROJECT INFORMATION:

### Project Overview

On January 6, 2009, the Flagstaff City Council approved a contract with a team of consultants lead by Opticos Design Inc. to provide professional services for the purpose of restructuring and redrafting the existing City of Flagstaff zoning ordinance to create an innovative and integrated zoning ordinance based on Smart Growth principles.

#### What is the purpose of a zoning ordinance?

The City of Flagstaff's zoning ordinance or Land Development Code (LDC) is adopted in accordance with Arizona Revised Statutes in order to further the legislative intent of "*protecting and promoting the public health, safety and general welfare of the citizens of Flagstaff, providing for orderly growth*", etc. (LDC Division 10-01-002).

The purpose of the LDC is further established in Division 10-01-003, and may be summarized as:

- Furthering the legislative intent, i.e. protecting the public health, safety and general welfare of the citizens of Flagstaff;
- Organizing all the regulations for the development of land within the City;
- Organizing the regulations in "*a form which is comprehensive, straightforward, and easily understood and usable*";
- The implementation of the adopted General Plan (i.e. Flagstaff Area Regional Land Use and Transportation Plan or "Regional Plan").

#### Overview of the Existing Zoning Ordinance (LDC)

The LDC in its current format is a complex document because it includes numerous zoning methodologies that have been added to it over the past few years. These include:

- Conventional or "Euclidian" use-based zoning provisions that date back to the 1970s and before;
- Performance-based zoning provisions added in 1991 (these establish the allowed development potential of a property based on how it "performs" with regard to such natural features as slopes, forest (tree) resources and/or floodplains). The 1991 performance-based code revisions also combined the former zoning ordinance and subdivision ordinance from the City Code into a consolidated Land Development Code (LDC). The LDC was restructured and formatted at that time. The original 17 conventional zoning districts were retained and are identified as "Established" or "E" districts, for example, the C-3-E (Highway Commercial District Established) zoning district. In addition, 18 new zoning districts were added. These districts do not have the "E" designation (for example, UC (Urban Commercial district)), and they are applied through the application of performance-based zoning techniques developed by Lane Kendig and Associates.

- Design review guidelines to better address site and building design adopted in 2002 that apply to multi-family residential, commercial, institutional and business park developments; and
- Traditional neighborhood standards based on the Smart Code requiring a form-based code for a Traditional Neighborhood District adopted in November 2007. (These codes regulate urban form expressed through building placement and street design primarily rather than regulating use as a primary consideration).

Since 1991 the LDC has been amended numerous times to resolve conflicts, add new provisions, and ensure consistency with Arizona statutes. In addition, three overlay historic zoning districts have been adopted as well as the Traditional Neighborhood District and provisions to allow Accessory Wind Energy Systems (Wind Turbines) in commercial and industrial zones.

#### Strengths of the Existing LDC

The City of Flagstaff LDC has a number of strengths as summarized below:

- It provides regulations for the control and orderly use of land within the City;
- It ensures that incompatible uses are separated;
- It provides administrative processes and procedures;
- It provides for the health, safety and general welfare of the community;
- It includes good ideas for the preservation of trees and to provide flexibility specific to a use or a parcel;
- The City's lighting standards have protected Flagstaff's night skies and resulted in the City being the first International Dark Sky City;
- The City's Design Guidelines and Standards have ensured that new development is in keeping with Flagstaff's unique architectural vernacular; and
- It provides some tools that have allowed staff and the City Council to creatively address the challenge of providing affordable housing in the community.

#### Weaknesses of the Existing LDC

While the LDC has many strengths, it also has some significant weaknesses that include the following:

- While the LDC is certainly comprehensive, it is not in "*a form which is comprehensive, straightforward, and easily understood and usable*". Indeed, the LDC's complex concepts and standards as well as its weak organizational structure have made it very hard for citizens and staff to use the document.
- The LDC is essentially a "Euclidian" or conventional code that separates land uses into distinctly different land use categories. In its current format of segregating land uses it illustrates a general lack of relevancy and unresponsiveness to address new market directions and emerging trends within the planning profession and development community, such as Smart Growth and the promotion of mixed-use concepts that have been proven in many cities across the US.
- The LDC can be difficult to use and interpret, especially as it includes both Euclidian and performance-based provisions.
- Numerous amendments over the years have led to a disjointed code that lacks good internal or external cross references. It is also not logically organized and many development standards are hard to find.

- In general the LDC lacks consistency with the Regional Plan, and in some respects fails to implement it properly.
- Some provisions (such as the measurement of building height and the method for determining tree preservation on a parcel) produce results inconsistent with community goals.
- In general the LDC lacks consistency, clarity and predictability. This has been a frequent concern to citizens and developers.
- The LDC includes an unnecessary number of zoning districts – 39 in total with 32 actually mapped on the zoning map (both “Established” and “new” created in 1991).
- As noted previously, the majority of the LDC is at least 17 years old (some parts are much older).

In summary, the LDC requires modernization, codification and improvement. The desired zoning ordinance (it will have a new name) will be coherent, integrated, concise, consistent, innovative, and user friendly.

### **Objectives of the Zoning Code Update**

The city desires to produce an innovative and integrated zoning code for the City of Flagstaff that uses the existing provisions of the LDC expanded, modified and deleted as necessary within the restrictions of applicable State law to produce a zoning code that;

1. Is based on sound principles of Smart Growth, mixed-use and sustainable development.
2. Is consistent with the adopted Regional Plan and is coordinated with the future amendments proposed to the Regional Plan.
3. Is logically organized and easy to read and understand.
4. Includes an extensive use of graphics to illustrate key points and minimize the amount of text.
5. Is consistent in terms of processes and requirements.
6. Reduces the number of zoning districts provided in the Code and on the zoning map where possible, by combining or removing districts.
7. Involves the public in a meaningful and effective way using appropriate public participation techniques.
8. Is easily expanded and amended in the future to respond to changing market and socio-economic conditions.

Based on research of other communities and recently published planning documents, City staff has determined that a desired zoning code for the City of Flagstaff should embrace the following five key objectives:

1. It must be **comprehensive**, and cover the following topics;
  - a. Community character – in terms of land use, density, design of the public realm, building design and preservation of heritage resources.
  - b. Natural resources and the environment – protection of local ecological systems, native trees and vegetation, slope and floodplain resources and wildlife corridors.
  - c. Housing choices – affordability, jobs/housing balance, access.
  - d. Promote sustainable building and development practices.
  - e. Transportation and mobility – address all modes, and provide choices for all residents including pedestrians.
  - f. Safety and security – protection from natural and man-made disasters and crime mitigation.
  - g. Energy and utilities – production using alternate sources (wind and solar), distribution and conservation, water conservation, etc.
  - h. Economic development – to enable the expansion of existing businesses, and promote new markets and growth.
  - i. Food systems – local supply, healthy foods, urban food production.
2. It must **artfully and intelligently integrate** natural and man-made systems;
3. It must be **progressive**, drawing upon the useful features of other code types already proven and in use, for example in the areas of design, coding, procedures, incentives, etc.;
4. It must be based on a **sustainable and comprehensive policy plan** and long term **civic engagement**; and,
5. It must be **tailored** to local and regional climate, ecology, history and culture.

### **Community Benefits of an Updated Zoning Code**

- Staff has already commenced the important work of updating the Regional Plan. A window of opportunity is therefore available to ensure that the LDC and Regional Plan are consistent. Staff has established protocols and procedures to ensure that both planning projects will be completed in a truly comprehensive planning format. As a result the current inconsistencies between the Regional Plan and the LDC will be removed.
- The LDC will be rewritten in a form that is comprehensive, straight forward and easily understood and illustrated with the extensive use of graphics making it much easier for citizens and staff to use.
- Existing inconsistencies and redundancies will be resolved and removed.
- The revised and updated LDC will be responsive to current trends in planning practice and market conditions that will help to further growth and development in Flagstaff.
- The revised LDC will be up-to-date and consistent with state statutes.
- The revised and updated LDC is intended to promote Smart Growth concepts for mixed-use and sustainable development.

- The residents of Flagstaff will have numerous opportunities to participate in the rewriting of the LDC as well as to stay informed of progress.
- The final code document will be structured in such a manner that it will be easily expanded and amended in the future to respond to changing market and socio-economic conditions.
- Opticos Design Inc. brings a fresh perspective to the challenge of rewriting the LDC, and their combination of experience, knowledge, proven approach, skill and personality will result in an outstanding updated and revised zoning code document for the City.